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RUEHBJ/AMEMBASSY BEIJING 0796
RUEHKO/AMEMBASSY TOKYO 1499
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RUCNDT/USMISSION USUN NEW YORK 2232
RUEHNO/USMISSION USNATO 2562
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UNCLAS SECTION 01 OF 02 ASTANA 000545

SENSITIVE
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STATE FOR SCA/CEN, DRL

E.O. 12958: N/A

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SUBJECT: KAZAKHSTAN: ADVOCACY GROUP ADDRESSES LETTER TO THE
SECRETARY REGARDING "TASZHARGAN" LIBEL CASE

REF: (A) ASTANA-ALMATY OFFICIAL-INFORMAL EMAIL, MARCH 25
(B) ASTANA-ALMATY OFFICIAL-INFORMAL EMAIL, MARCH 24
(C) ASTANA 0479
(D) ASTANA 0431

1. (U) Sensitive but unclassified. Not for public Internet.

2. (U) This is an action request. Please see paragraph 4.

3. (SBU) An ad-hoc advocacy group of journalists and NGO activists sent a letter via public mail received at Embassy Astana to the Secretary, expressing concerns about a libel suit filed by Roman Madinov, a member of the Mazhilis (the lower house of parliament), against the opposition newspaper "Taszhargan." Para 5 contains an English-language translation of the full text of the letter, which also requests that we deny Madinov entry to the United States. As reported in refs C and D, Madinov filed a libel suit against "Taszhargan" for an op-ed article that described him as a "land baron" and claimed that he had become a parliamentarian solely to advance his private business interests. On February 26, an Almaty appellate court ordered "Taszhargan" to pay Madinov 30 million tenge (approximately \$200,000) in damages, increasing ten-fold the original fine imposed by a lower-level court in January. The letter, which eight journalists and NGO activists signed, asserts that libel suits like Madinov's "threaten independent journalists and the freedom of the press in Kazakhstan."

4. (SBU) ACTION REQUEST: Post requests Department concurrence for the Ambassador to respond to the letter on the Secretary's behalf. None of the letter's signatories are prominent media or civil society figures, and none are known to post. The Ambassador's response would stress that we are closely watching the "Taszhargan" case, and underline that in our ongoing dialogue with the government, we have urged Kazakhstan to continue its cooperation with the OSCE and ODIHR in bringing its laws, including its media legislation, fully in line with OSCE standards. Since the group also asks us to deny Madinov entry to the United States, the Ambassador's response would explain that the U.S. visa regime is set by legislation which clearly lays out the permitted grounds for visa refusals. END ACTION REQUEST.

5. (SBU) Begin text of letter:

To Secretary of State Hillary Rodham Clinton

Dear Madame Secretary:

Romin Rizovich Madinov, a member of the Mazhilis of the Parliament of the Republic of Kazakhstan, filed a lawsuit against an independent reporter from the "Taszhargan" newspaper regarding an article from April 24, 2008 entitled "Poor 'Latifundist'" with a claim of compensation for moral damages in the amount of 300 million tenge. R.R. Madinov resolutely turned down a proposal for a peaceful settlement of the case. On January 16, 2009, a court ruled that the newspaper and the author of the article should pay compensation in the amount of 3 million tenge. The court ignored the motion from the defense attorney, Ganna Krasilnikova of the Adil Soz Foundation, to submit the text of the article for review by a commission of experts.

On February 26, 2009, an Almaty city court reviewed the appeal (of the defense) and ruled that a total of 30 million tenge should be paid by the newspaper and the author. This ruling, which immediately entered into legal force, will be appealed in a higher-level court. After the case goes through all judicial stages in the Republic of Kazakhstan, an appeal will be filed with international judicial institutions. We express our joint support to the author of the article.

We would like to draw your attention to the fact that lawsuits against newspapers and journalists have become instruments of persecution and infringement on freedom of speech in Kazakhstan. Seven lawsuits have been filed against the "Taszhargan" newspaper. Their satisfaction will paralyze operation of this independent media

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outlet. R.R. Madinov's lawsuit sets a precedent for large-scale persecution of independent journalists and media. It is a threat to freedom of speech and the development of democracy in the Republic of Kazakhstan.

We ask you to consider a possibility of banning entry visas to the U.S. for R.R. Madinov.

Signatories:

Bakhytzhana Toregozhina, organization Ar.Ruh.Hak
Nurgul Malik, organization Ar.Ruh.Hak
Alikhan Ramazanov, organization Shanyrak
Sapura Zhusupova, organization Shanyrak
Zhanar Kasymbekova, organization Ar.Ruh.Hak
Eduard Nazarov
Zhazira Abdeldaeva
Korlan Dzhumasheva

End text of letter.

HOAGLAND